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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,880	09/03/2002	Yoshio Goda	MAT-8189US	1394

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EXAMINER
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HODGE, ROBERT W

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/980,880

Applicant(s)

GODA ET AL.

Examiner

Robert Hodge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/29/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 8-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 16, 18, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Onagawa et al. Patent Abstracts of Japan No. 08-273649, hereinafter Onagawa et al.

4. Onagawa et al. teaches a battery with a case, positive electrode, negative electrode, electrolyte, gasket sealing plate, a filter, a cap and a valve body, wherein said cap has a convex portion and a flange portion, and said filter has a bend portion, with

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caulk used as a sealant, wherein the valve body covers a hole in the filter portion and the filter and cap are in electrical communication with one another (abstract, paragraph [0006] and figure 1).

5. Claims 1-3, 16, 18, 23 and 25 are rejected under 35 U.S.C. 102(b) as being unpatentable by Applicants' Admitted Prior Art (AAPA).

6. AAPA discloses a battery with a case, positive electrode, negative electrode, electrolyte, gasket sealing plate, a filter, a cap and a valve body, wherein said cap has a convex portion and a flange portion, and said filter has a bend portion, with caulk used as a sealant, wherein the valve body covers a hole in the filter portion and the filter and cap are in electrical communication with one another (figures 8-12 and pages 1-6 of applicants' specification)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onagawa et al. in view of Ishizuka et al. U.S. Patent No. 6,019,802 herein after Ishizuka et al.

9. Onagawa et al. teaches everything in the above 102 rejection as well as gas holes in the cap (abstract, paragraph [0006] and figure 1).

10. Onagawa et al. does not teach that the battery is cylindrical in shape.

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11. Ishizuka et al. teaches that a battery case is cylindrically shaped, which would inherently have a cylindrical opening especially since it receives a cylinder (column 22, lines 34-36).

12. At the time of the invention it would have been obvious to a person of ordinary skill in the art to make the case for the battery in the Onagawa et al. reference cylindrical as taught by Ishizuka et al. in order to easily receive the battery cell which is rolled and to use a well-known industry standard to provide batteries that can be used in multiple applications because of the standardization.

13. Claims 5-15, 17, 19-22, 24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onagawa et al. in view of Nishino et al. Patent Abstracts of Japan No. 08-339785.

14. Onagawa et al. teaches everything in the above 102 rejection.

15. Onagawa et al. does not teach that a projection or a plurality thereof is/are located at the outer periphery of said flange portion or what the shape of said projection is.

16. Nishino et al. teaches providing a protrusion of concentric circumference in an outer portion of said flange portion (figure 1, abstract and paragraphs [0007-0008]).

17. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include a protrusion in the outer periphery of the flange portion of the sealing cap as taught by Nishino et al. in the Onagawa et al. reference in order to improve leakage resistance of the sealed battery. It would also be obvious to a person of ordinary skill in the art to provide a plurality of said protrusions since it has been held

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that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Hodge whose telephone number is (571) 272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWH 3-30-05

  
**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**